IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 28596 of 2006(D)

PETITIONER:

R.MANOJKUMAR,
SON OF LATE RAJASEKHARAN NAIR, AGED 40 YEARS,
JAYA BHAVAN, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA TALUK.

BY ADV. SRI.V.GIRI
SRI.S.K.AJAYKUMAR

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT, GOVT. OF KERALA,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, CIVIL STATION,
   KAKKANAD, ERNAKULAM.

3. SPECIAL TAHSILDAR (LA),
   KOCHI REFINERIES LIMITED, VYTTILLA AT
   TRIPUNITHURA 682 301.

BY GOVERNMENT PLEADER SRI.BENNY VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN, J

W.P.(C) No. 28596 of 2006

Dated this the 18th day of January, 2007

JUDGMENT

Land belonging to the petitioner was acquired for the purpose of establishing Info Park. Ext. P3 notice was issued to the petitioner under Section 9(3) of the Land Acquisition Act directing the petitioner to appear on 5.10.2006. Ext. P3 is dated 10.9.2006. It is stated in the writ petition that Ext. P3 notice was received by the petitioner only on 6.10.2006, while the date fixed for award enquiry was 5.10.2006. It is stated in the counter affidavit that award was passed on 7.10.2006. Thus, it is clear that the petitioner did not get an opportunity to put forward his objections before the Land Acquisition Officer. Since the award is passed, the petitioner submits that he intends to file an application for reference under Section 18 of the Land Acquisition Act. The apprehension of the petitioner is that when the matter is referred under Section 18, the reference court may point out that no objections were filed by the petitioner at the time of award enquiry, which according to the petitioner would

cause prejudice to him to a great extent. Since the award is passed on 7.10.2006, it is only just and proper to dispose of the Writ Petition with a direction that in case the reference is made, it shall be treated that the petitioner has filed objections pursuant to Ext. P3 notice within time, provided the petitioner appends the objections along with his application for reference under Section 18 of the Act. For all practical purposes, such objection shall be treated as objections filed pursuant to Ext. P3 notice. If the petitioner has already filed an application for reference under Section 18, the petitioner may submit his objections to the Land Acquisition Officer within a period of one month from today.

The Writ petition is disposed of as above.

K.T.SANKARAN,
JUDGE

csl